

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

INTELLECTUAL VENTURES I LLC, )  
*et al.*, )  
 )  
Plaintiffs, )  
v. )  
 )  
CAPITAL ONE FINANCIAL )  
CORPORATION, *et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 1:13-cv-00740 (AJT/TRJ)

**ORDER**

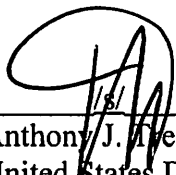
Upon consideration of plaintiffs/counterclaim defendants' Motion to Strike or Dismiss Amended Antitrust Counterclaims 11, 12 and 13, and Eight Affirmative Patent Misuse Defense [Doc. No. 104], the memoranda of points and authorities in support thereof and in opposition thereto, the arguments of counsel during the hearing held on November 15, 2013, and for the reasons set forth in a Memorandum Opinion, to be filed, the Court finds and concludes that the defendants/counterclaim plaintiffs have failed to allege plausible claims for patent misuse, monopolization or attempted monopolization under Section 2 of the Sherman Act, or unlawful asset acquisition under the Clayton Act, and it is accordingly

ORDERED that plaintiffs/counterclaim defendants' Motion to Strike or Dismiss Amended Antitrust Counterclaims 11, 12 and 13, and Eight Affirmative Patent Misuse Defense [Doc. No. 104] be, and the same hereby is, GRANTED; and it is further

ORDERED that defendants/counterclaim plaintiffs' Eighth Affirmative Patent Misuse Defense be, and the same hereby is, STRIKEN; and it is further

ORDERED that Counts 11, 12 and 13 of the First Amended Counterclaim be, and the same hereby are, DISMISSED.

The Clerk is directed to forward copies of this Order to all counsel of record.

  
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Anthony J. Ivenga  
United States District Judge

Alexandria, Virginia  
December 5, 2013